

## 1 HOUSE BILL NO. 215

2 INTRODUCED BY M. MILLER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE DRIVER'S LICENSE OF A PERSON  
5 UNDER 18 YEARS OF AGE IS SUBJECT TO SCHOOL ATTENDANCE OR COMPLETION; AND AMENDING  
6 SECTIONS 61-5-105 AND 61-5-217, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. **Section 1. Minor driver's license subject to school attendance.** (1) A person under  
11 18 years of age who applies for or has a driver's license must:

12 (a) be enrolled in a public school, a nonpublic school or home school provided for in 20-5-109, a general  
13 educational development program, any other program that leads to a high school diploma or its equivalent, or  
14 an apprenticeship as provided in Title 39, chapter 6; or

15 (b) have a high school diploma or an equivalency of completion of secondary education as provided in  
16 20-7-131.

17 (2) A parent or legal guardian shall certify that a person under 18 years of age meets the requirements  
18 of subsection (1) on a form provided by the department and made available on the department's website, at driver  
19 examination stations, and at public high schools. A person under 18 years of age shall provide the certification  
20 when applying for a driver's license. A licensed driver to whom this section applies shall annually provide the  
21 certification form to the department no more than 120 days before the person's birthday and no later than 90 days  
22 before the person's birthday.

23 (3) (a) The department shall suspend the license of a person under 18 years of age who does not meet  
24 the requirements of subsection (2). A driver's license that is suspended under this section may be reinstated:

25 (i) upon certification of enrollment or completion from the school, program administrator, or  
26 apprenticeship supervisor or from a parent if the person is enrolled in a home school program; or

27 (ii) when the person reaches 18 years of age.

28 (b) A license that is reinstated under this subsection (3) is subject to the reinstatement fee provided for  
29 in 61-5-218.

30 (4) A public school shall notify the department and the department shall suspend the license of any

1 student in grade 12 who is under 18 years of age and stops attending school. For the purposes of this section,  
2 a student is considered to have stopped attending school if the student misses 10 or more consecutive school  
3 days and the absences are not excused by a parent or legal guardian.

4 (5) An emancipated minor is exempt from the provisions of this section.

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6 **Section 2.** Section 61-5-105, MCA, is amended to read:

7 **"61-5-105. Who may not be licensed.** The department may not issue a license under this chapter to  
8 a person:

9 (1) who is under 16 years of age unless:

10 (a) the person is at least 15 years of age and has passed a driver's education course approved by the  
11 department and the superintendent of public instruction; or

12 (b) the person is at least 13 years of age and, because of individual hardship, to be determined by the  
13 department, needs a restricted license;

14 (2) whose license or driving privilege is currently suspended, revoked, or canceled or who is disqualified  
15 from operating a commercial motor vehicle in this or any state, as evidenced by an ineligible status report from  
16 the national driver register, established under 49 U.S.C. 30302, or from the commercial driver's license  
17 information system, established under 49 U.S.C. 31309;

18 (3) who is addicted to the use of alcohol or narcotic drugs;

19 (4) who has previously been adjudged to be afflicted with or suffering from any mental disability or  
20 disease and who, at the time of application, has not been restored to competency by the methods provided by  
21 law;

22 (5) who is required by this chapter to take an examination;

23 (6) who has not deposited proof of financial responsibility when required under the provisions of chapter  
24 6 of this title;

25 (7) who has any condition characterized by lapse of consciousness or control, either temporary or  
26 prolonged, that is or may become chronic. However, the department may, in its discretion, issue a license to an  
27 otherwise qualified person suffering from a condition if the afflicted person's attending physician, licensed  
28 physician assistant, or advanced practice registered nurse, as defined in 37-8-102, attests in writing that the  
29 person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor  
30 vehicle safely and, if a commercial driver's license is involved, the person is physically qualified to operate a

1 commercial motor vehicle under applicable state or federal regulations;

2 (8) who lacks the functional ability, due to a physical or mental disability or limitation, to safely operate  
3 a motor vehicle on the highway;

4 (9) who is not a resident of or domiciled in Montana except as provided in 61-5-103(3); or

5 (10) who does not submit proof satisfactory to the department that the applicant's presence in the United  
6 States is authorized under federal law. The department may not accept as a primary source of identification a  
7 driver's license issued by a state if the state does not require that a driver licensed in that state be lawfully present  
8 in the United States under federal law.

9 (11) who is under 18 years of age except as provided in [section 1]."

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11 **Section 3.** Section 61-5-217, MCA, is amended to read:

12 **"61-5-217. Suspending privileges of persons under age eighteen years of age.** (1) The privilege  
13 of driving a motor vehicle on the highways of this state given to a person under ~~the age of 18~~ years of age is  
14 subject to suspension or revocation by the department in like manner and for like causes as an adult.

15 (2) The department shall suspend the license of a person under 18 years of age who does not meet the  
16 requirements of [section 1]."

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18 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
19 integral part of Title 61, chapter 5, and the provisions of Title 61, chapter 5, apply to [section 1].

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